

REMARKS

Claims 6-27 are pending in this application. By this Amendment, claims 6 and 12 are amended. Reconsideration is respectfully requested in view of the following remarks.

I. The Claims Define Allowable Subject Matter

The Office Action rejects claims 6-13 under 35 U.S.C. §102(b) as unpatentable over U.S. Patent 4,409,479 to Sprague et al. ("Sprague"). The rejection is respectfully traversed.

In particular, Sprague does not disclose or suggest a state detection system mounted on a sensor head for optically detecting at least one of a tilt and a gap between the sensor head and the scale, as recited in independent claim 6.

Sprague discloses at Figs. 5A-5D and at column 5, lines 39-52 a grid pattern 18 formed on a top surface 26 of a transparent tablet 24. The bottom surface 28 of the table 24 is reflective. When a cursor control device 10 is moved in the Y direction over the tablet surface 26, quadature signals YA and YB are produced. Stated differently, Sprague's cursor control device 10 and the planar grid pattern 18 can only detect the XY coordinates of the cursor control device, but cannot detect a tilted state or a gap between the cursor control device and the planar grid pattern. Accordingly, Sprague does not disclose or suggest the above noted features of claim 6.

Accordingly, independent claim 6 defines patentable subject matter. Claims 7-13 depend from independent claim 6, and therefore also define patentable subject matter as well as for the other features they recite. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

II. Conclusion

For at least these reasons, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 6-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Yong S. Choi
Registration No. 43,324

JAO:YSC/eks

Attachments:

Request for Continued Examination
Petition for Extension of Time

Date: August 5, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461